THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11776 of 2007

Date: 08.06.2007

Between:

Marothi Ramu and another.

....Petitioners

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam District.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11776 of 2007

O R D E R:

Petitioners state that a sale-cum-GPA deed was executed in their favour in respect of property, admeasuring 72 square yards, including RCC building, bearing D.No.8-195 in Survey No77/10 of Adivivaram Village and Panchayat, Pendurthy Mandal, Visakhapatnam. It is stated that they intended to sell the said land and in that process, approached the respondent with a request to furnish the basic value of the property, to enable them to compute the stamp duty. The grievance of the petitioners is that the respondent is not entertaining any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioners and

the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the respondent to receive and process the document, if any, presented by the petitioners, and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within a period of one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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08.06.2007

Note: Issue C.C. in three (3) days.

(B/o)

JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77